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MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** JULIANNE THOMAS, PLANNER  
**SUBJECT:** BOAT BARN/BOAT RACK STORAGE TEXT AM  
**DATE:** 7/19/2006



**I. BACKGROUND**

The text amendment proposes a definition for boat storage buildings and structures. The definition seeks to allow for efficient storage of boats.

**II. SUMMARY OF CHANGES**

1. DEFINE BOAT BARN

The text amendment proposes a definition for Boat Barn that will allow the structure to store boats with a roof and/or side enclosures.

2. MODIFY THE DEFINITION OF FLOOR AREA

The text amendment modifies the definition for Floor Area so that Boat Barns that meet the conditions set forth in MCC §9.5-124.3 are excluded from floor area calculations. Boat Barns which are NROGO exempt do not have transferable floor area.

3. PROVIDE BUFFERYARD REQUIREMENTS TO LIMIT IMPACT ON SURROUNDING PROPERTY OWNERS

The text amendment includes a requirement that each non waterside perimeter setback of the parcel proposed for boat barn development must have the quantity and type of plantings required in a Class D bufferyard. This planting requirement will be placed within a minimum side yard setback of ten (10) feet. The landscape plan shall be approved by the Planning and Environmental Resources Department.

This means that even in districts which may only require a 15 ft. total side yard setbacks, since the minimum width for each side yard is 10', a

total of 20 ft. total side yard setbacks will be provided as a minimum 10 ft. bufferyard will be required on each side.

As an example, if a project is proposing a 10 ft. sideyard, the sideyard will have to contain 6.6 canopy trees, 3.3 understory trees, and 28 shrubs per 100 linear ft. because that is the plant material required for the narrowest Class D bufferyard.

### III. FINDINGS OF FACT

1. Staff finds that the proposed changes are consistent with Section 9.5-511(d)(5)b.(i) and (ii) "changed projections" and "changed assumptions".
2. Staff finds the amendment consistent with the goals, objectives, and policies of the Monroe County Year 2010 Comprehensive Plan, specifically Objective 502.1 and Policy 502.1.3.
3. Staff finds the amendment consistent with F.A.C. Chapters 9J-5, Florida Statutes, Chapter 163, and The Principles for Guiding Development.

### IV. PROPOSED TEXT CHANGES

Please see attached ordinance.

### V. RECOMMENDED ACTION

Based on the Findings of Fact above, the Development Review Committee recommends **APPROVAL** of the proposed text change to Sections 9.5-4, 9.5-124.3, 9.5-232(c)(4)e, 9.5-233(c)(1)e, 9.5-234(c)(1)e, 9.5-235(c)(5)e, 9.5-236(c)(3)f, 9.5-238(c)(2)f, 9.5-239(c)(2)f, 9.5-243(c)(1)f, 9.5-244(c)(2)e, 9.5-245(f)(1)e, 9.5-247(g)(2)e, 9.5-247(r)(3)(a)v, 9.5-247(t)(1)e, 9.5-248(c)(4)d, 9.5-249(c)(1)d, 9.5-250(c)(2)d, 9.5-251(c)(1)c of the Monroe County Land Development Regulations.

ORDINANCE NO. \_\_\_\_ - 2006

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CREATING A DEFINITION FOR BOAT BARN, AMENDING SECTION 9.5-124, AMENDING SECTIONS 9.5-124.2 TYPE OF DEVELOPMENT AFFECTED; SECTION 9.5-124.3 TYPE OF DEVELOPMENT NOT AFFECTED; AND THE SETBACK AND BUFFERYARD REQUIREMENTS FOR MARINAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, the Board of County Commissioners makes the following Findings of Fact:

1. The current land development regulations do not provide a definition for boat barns.

2. The existing definition for non-residential floor area requires the allocation of Non-residential Rate of Growth Ordinance (NROGO) floor area for boat barns.

3. Federal and State law grants power to Monroe County to regulate and restrict the use of land and buildings in order to promote the safety and general welfare of its citizens.

4. Monroe County has adopted land use goals, policies, and objectives in a comprehensive plan to guide policy on building and land use regulations, and to promote health, safety, and general welfare.

5. The provisions of this ordinance are consistent with the Monroe County Comprehensive Plan and the Principles for Guiding Development in the Florida Keys Area of Critical State Concern.

6. Section 9.5-511, of the Monroe County Code, delineates the mechanism to amend the Monroe County Code via a "text amendment".

7. The Development Review Committee held a publicly advertised meeting on July 11, 2006.

8. The Monroe County Planning Commission held a duly advertised public hearing on July 18, 2006 and recommended that the BOCC approve the text amendment.

1  
2 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
3 COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:  
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5 **PROPOSED TEXT CHANGES** are presented in ~~striketrough~~ to indicate deletions and  
6 underline to indicate additions.  
7

8 **Section 1. §9.5-4 (Definitions) of the Monroe County Code will be amended to**  
9 **include a definition for boat barn as follows:**  
10

11 (B-6.1) Boat Barn: A structure enclosing and/or covering boat storage racks with  
12 a roof and one or more sides and used for the storage of vessels and associated  
13 equipment not associated with retail sales of boats. Boat barns within marinas  
14 may be considered as the principal building or structure, but the marina remains  
15 the principal use.  
16

17 **Section 2. § 9.5-124. Non-residential rate of growth ordinance (NROGO) will be**  
18 **amended as follows:**  
19

20 (b) *Definitions:* The words and phrases used in this section shall have the  
21 meanings prescribed in this chapter, except as otherwise indicated as follows:  
22

23 *Non-residential floor area* means the sum of the gross floor area for a non-  
24 residential building or structure as defined in section 9.5-4, any areas used for  
25 the provision of food and beverage services and seating whether covered or  
26 uncovered, and all covered, unenclosed areas. Walkways, stairways, entryways,  
27 parking, loading areas, boat barns, and uncovered, unenclosed boat racks  
28 located in marinas which do not exceed 50% of the net buildable area of the  
29 marina are not considered nonresidential floor area. Non-residential floor area is  
30 not space occupied by transient residential and institutional residential principal  
31 uses.  
32

33 **Section 3. § 9.5-124.2. Type of development affected (by NROGO) will be amended**  
34 **as follows:**  
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36 (e) The cumulative portion of the floor area of boat barns and uncovered,  
37 unenclosed boat racks located in marinas, which exceed 50% of the net  
38 buildable area.  
39

40 **Section 4. § 9.5-124.3. Type of development not affected (by NROGO) will be**  
41 **amended as follows:**  
42

43 (9.1) The portion of boat barns and uncovered, unenclosed boat racks in marinas  
44 which is less than 50% of the net buildable area of the marina.  
45

1 (9.2) Covered unenclosed storage areas as an accessory use to an outdoor retail  
2 sales, provided that the area does not exceed twenty-five (25) percent of the  
3 gross area of the parcel proposed for development.

4 (10) Transfer off-site of existing non-residential floor area: The demolition and  
5 transfer off-site of non-residential floor area from a sender site and the  
6 development of the transferred non-residential floor area on a receiver site in  
7 accordance with the following procedures and criteria:

8 a. Eligibility of sender floor area: Only non-residential floor area within an  
9 enclosed structure, as defined in section 9.5-4(F-9), not including uncovered  
10 areas designated for food and beverage services and seating shall be eligible for  
11 transfer. Non-residential floor area shall meet all of the following criteria:

12 i. Be lawfully established floor area or received an NROGO allocation or transfer  
13 of floor area after September 19, 2001.

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16 **Section 5.** The Monroe County Code § 9.5-232(c)(4)~~e~~, § 9.5-233(c)(1)~~e~~, §9.5-  
17 234(c)(1)~~f~~, §9.5-235(c)(5)~~e~~, , §9.5-249(c)(1)~~d~~, §9.5-250(c)(2)~~d~~, §9.5-251(c)(1)~~c~~ will be  
18 amended to include the bufferyard requirement for marinas as follows:

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20 Each non waterside perimeter setback of the parcel proposed for development  
21 must have the quantity and type of plantings found in a Class D bufferyard within  
22 a minimum side yard setback of ten (10) feet. The plantings of the Class D  
23 bufferyard shall be approved by the Planning and Environmental Resources  
24 Department.

25  
26 **Section 6.** The bufferyard requirement listed under §9.5-236(c)(3)~~f~~, §9.5-238(c)(2)~~f~~,  
27 §9.5-239(c)(2)~~f~~, §9.5-243(c)(1)~~f~~, §9.5-244(c)(2)~~e~~, §9.5-245(f)(1)~~e~~, §9.5-247(g)(2)~~e~~, §9.5-  
28 247(r)(3)(a)~~v~~, §9.5-247(t)(1)~~e~~, §9.5-248(c)(4)~~d~~, of the Monroe County Code will be  
29 amended as follows:

30  
31 Each non waterside perimeter setback of the parcel proposed for development  
32 must have the quantity and type of plantings found in a Class D bufferyard within  
33 a minimum side yard setback of ten (10) feet. The plantings of the Class D  
34 bufferyard shall be approved by the Planning and Environmental Resources  
35 Department.

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37 **Section 7. Severability.**

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39 If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall  
40 be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not  
41 affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof

1 shall be confined to the section, paragraph, subdivision, clause, sentence or provision  
2 immediately involved in the controversy in which such judgment or decree shall be rendered.

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4 **Section 8. Repeal of Conflicting Provisions.**

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6 The provisions of the Monroe County code and all ordinances or parts of ordinances in  
7 conflict with the provisions of this Ordinance are hereby repealed.

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9 **Section 9. Effective Date.**

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11 This ordinance shall be filed in the Office of the Secretary of State of the State of Florida,  
12 but shall not become effective until a notice is issued by the Department of Community  
13 Affairs or Administrative Commission approving ordinance pursuant to Chapter 380,  
14 Florida Statutes.

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16 **Section 10. Transmittal for Codification**

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18 The provisions of this ordinance shall be included and incorporated into the Code of  
19 Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and  
20 shall be appropriately numbered to conform to the uniform numbering system of the Code.

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22 PASSED AND ADOPTED by the Board of County Commissioners of Monroe County,  
23 Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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26 Mayor Charles "Sonny" McCoy \_\_\_\_\_

27 Mayor Pro Tem Dixie Spehar \_\_\_\_\_

28 Commissioner George Neugent \_\_\_\_\_

29 Commissioner David Rice \_\_\_\_\_

30 Commissioner Glenn Patton \_\_\_\_\_

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34  
35 (SEAL)

36 ATTEST: DANNY L. KOLHAGE, CLERK

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40 \_\_\_\_\_  
41 Deputy Clerk  
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